

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:18-cv-00440-MOC-DSC

THIS MATTER is before the Court on Defendant's Motion to Compel Discovery. Specifically, Defendant seeks to compel the Plaintiffs to provide them with Discovery Requests served on Defendants on October 2, 2020. Responses to those discovery requests were due on November 4, 2020. Defendants went through extensive efforts after that due date to remind Plaintiffs to submit responses to the discovery requests since the due date for those responses had passed. To ensure that there was no doubt that Plaintiffs received the emails and Discovery Requests from Defendant, counsel for Defendant Bayview had both sent to Plaintiffs by overnight Federal Express delivery. That package was delivered on November 13, 2020. Plaintiffs have yet to provide any response or documents in response to the Discovery Requests.

The Court finds that Defendant Bayview has in good faith conferred or attempted to confer with Plaintiffs in an effort to obtain discovery responses without court action. However, given the complexity of this case and the pro se nature of the Plaintiffs at the time these requests were served, the Court declines to award expenses and attorneys' fees incurred by Defendant Bayview in obtaining this order.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's Motion to Compel Discovery (#93) is **GRANTED**, but that Defendant's request for expenses and attorneys' fees is **DENIED**.

Signed: March 2, 2021



Max O. Cogburn Jr.
United States District Judge